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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/550,223	06/09/2006	William G. England	45038-320968 (PUR-0220)	7822
23370 7590 06/25/2010				
JOHN S. PRATT, ESQ KILPATRICK STOCKTON, LLP 1100 PEACHTREE STREET SUITE 2800 ATLANTA, GA 30309			EXAMINER  KIM, SUN U	
			ART UNIT  1797	PAPER NUMBER
			MAIL DATE  06/25/2010	DELIVERY MODE  PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/550,223

**Applicant(s)**

ENGLAND, WILLIAM G.

**Examiner**

JOHN KIM

**Art Unit**

1797

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 May 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4, 7, 9 and 10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 7, 9 and 10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date 11/3/09, 6/9/10
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/24/10 has been entered.
2. Claims 2 and 10 are objected to because of the following informalities: "or" on line 3 of claim 2 should be corrected to "and". Recitation of "selected from" on line 2 of claim 10 should be followed by "a group consisting of" and end with "and" rather than "or".

Appropriate correction is required.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-4, 7 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 3,434,479 (Till et al).

Regarding claims 1-4 and 9, Till et al disclose a solid filtration composition consisting of activated alumina impregnated with aqueous solution of calcium permanganate e.g. calcium permanganate and water wherein the concentration of permanganate salt in the composition is 18.7% by weight (see Example 1, 5<sup>th</sup>. Column of Table I; col. 3, line 59 – col. 4, line 47) or 17.0% and 22.2% by weight (see Example 4, 5<sup>th</sup> & 6<sup>th</sup> columns in Table IV; col. 5, lines 50-65) wherein the porous substrate is about 80% by weight of the composition. Till et al teach one or more permanganates of light metals in Group I and Group II of the Periodic Table (see col. 2,

lines 10-21).

Regarding claim 7, Till et al teach sodium permanganate (see Example 3; col. 5, lines 10-47; particularly, 19.4% sodium permanganate by weight in Table III).

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Till et al as applied to claim 1 above and further in view of England '522 (U.S. Patent No. 6,004,522).

Till et al disclose the solid filtration composition as described above. Till et al further disclose that adsorbent material i.e. porous substrate (see col. 2, lines 33-52) includes bauxite, activated alumina, clay, kaolin, and silica gel (see col. 2, lines 22-25).

Claims 9-10 essentially differ from the composition of Till et al in reciting zeolite or zeolite-like mineral. England '522 discloses a solid filtration composition impregnated with a permanganate and water wherein a porous substrate comprising activated alumina, silica gel, zeolite, adsorbent clay, kaolin, and activated bauxite (see col. 6, lines 1-4). The claims 9-10 would have been obvious because the substitution of one known element such as zeolite for another porous substrate of Till et al would have yielded predictable results to one of ordinary skill in the art at the time of the invention.

7. The declaration under 37 CFR 1.132 filed 5/24/10 is sufficient to overcome the rejection of claims 1-5, 7, 9 and 10 based upon Rainer et al (US Patent No. 3,957,059) and England '522 (US Patent No. 6,004,522).
8. Applicant's arguments with respect to claims 1-4, 7 and 9-10 have been considered but are moot in view of the new ground(s) of rejection.
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOHN KIM whose telephone number is (571)272-1142. The examiner can normally be reached on Monday-Friday 7 a.m. - 3:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vickie Kim can be reached on 571-272-0579. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John Kim/  
Primary Examiner, Art Unit 1797